



**Office of the United States Attorney
District of Arizona**

PRESS RELEASE

FOR IMMEDIATE RELEASE

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For Information Contact Public Affairs

SANDY RAYNOR

Telephone: (602) 514-7625

Cell: (602) 525-2681

TWO MEXICAN NATIONALS INDICTED ON ALIEN SMUGGLING CHARGES IN ARIVACA, ARIZ. ROLLOVER

TUCSON, Ariz. – A federal grand jury here returned a 23-count indictment on February 9, 2005 against Pedro Toral-Hernandez, age 20, and Sergio Aguilar-Vargas, age 22, both of Mexico, charging them with violating Title 8, U.S. Code, Sections 1324(a)(1)(A)(v)(I), 1324(a)(1)(A)(ii), 1324(a)(1)(A)(i), 1324(a)(1)(B)(iii), 1324(a)(1)(B)(iv), 1324(a)(1)(B)(i), 1324(a)(2)(B)(ii), and 1324(a)(2)(B)(iii).

The complaint filed in this case alleges that on January 10, 2005, five vehicles containing approximately seventy illegal aliens were driving in a caravan near Arivaca, Ariz. The vehicles were speeding and attempting to avoid U.S. Border Patrol agents when one of the vehicles lost control and flipped upside down. One illegal alien died at the scene and four others were seriously injured in the crash. The indictment alleges that the defendants conspired to bring ten illegal aliens into the U.S., brought ten illegal aliens into the U.S., conspired to transport ten illegal aliens resulting in the death of an alien and transported eleven illegal aliens during which the alien's lives were placed in jeopardy and resulted in the death of an alien.

A conviction for the most serious offense, which involves alien smuggling resulting in the death of an illegal alien, carries a maximum penalty of life in prison, a \$250,000 fine or both. An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The investigation preceding the indictment was conducted by agents of U.S. Immigration and Customs Enforcement, U.S. Border Patrol and the Arizona Department of Public Safety. The prosecution is being handled by James L. Burke, Assistant U.S. Attorney, District of Ariz., Tucson, Ariz.

CASE NUMBER: CR-05-249-TUC
RELEASE NUMBER: 2005-021

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